

O I P E
OCT 21 2004
U.S. PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)
Codani, Jean-Jacques et al.) Attorney Docket No.: GIO-001.01
Serial No.: 10/723,522) Art Unit: 1645
Filing Date: November 26, 2003) Examiner: Not yet assigned
For: *Systems and Methods for Sequence*)
Comparison)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on October 19, 2004.



Brett Clemens

Mail Stop Missing Parts
Commissioner for Patents
Washington, DC 20231

Dear Sir:

PETITION UNDER 37 C.F.R. § 1.47

Pursuant to 37 C.F.R. § 1.47(a), Applicants respectfully petition the Commissioner to allow the available joint inventors to make the above-captioned application for patent on behalf of themselves, and on behalf of Eric Glémet, a joint inventor who has refused to join the invention. As set forth in more detail in the Statement of Facts by Jennifer Holmes and Jean-Jacques Codani and attached exhibits submitted concurrently herewith, Applicants have made diligent efforts to obtain Eric Glémet's signature on the Declaration for Patent Application for the above-captioned application.

The Commissioner is authorized to charge the fee of \$130.00 as set forth in §1.17(h) or credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448; Reference No. GIO-1.01.**

10/22/2004 WASFAW1 00000026 061448 10723522

02 FC:1460 130.00 DA

FHBOSTON/1108653.1

Applicants respectfully submit that despite "diligent effort", Applicants have been unable to obtain the signature of Eric Glémet on the Declaration for Patent Application. Thus, Applicants respectfully petition, under 37 C.F.R. §1.47(a), that the remaining joint inventors be allowed to make the above-captioned application for patent on behalf of non-signing inventor Eric Glémet.

Respectfully submitted,

By: 
Jennifer K. Holmes
Reg. No. 46,778
Agent for Applicants

Customer No. 25181
Patent Group
FOLEY, HOAG LLP
155 Seaport Blvd.
Boston, MA 02210-2600
Telephone: (617) 832-1000
Facsimile: (617) 832-7000

Dated: October 19, 2004

OCT 21 2004 JCS
U.S. PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Codani, Jean-Jacques et al.

Attorney Docket No.: GIO-001.01

Serial No.: 10/723,522

Art Unit: 1645

Filing Date: November 26, 2003

Examiner: Not yet assigned

For: *Systems and Methods for Sequence
Comparison*

**STATEMENT OF FACTS SUBMITTED BY JENNIFER HOLMES
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47**

The undersigned submits the following statement of facts in support of the Petition under 37 C.F.R. §1.47:

1. The last known address of Eric Glémet is 4 rue Moliere, Courbevoie, France, 92400.
2. On information and belief, Eric Glémet's contribution to the conception of the invention claimed in the above-captioned application was made during and pursuant to his employment at Gene-IT.
3. The above-captioned application claims priority to United States provisional patent applications 60/429,965.
4. Jean-Jacques Codani, Guillame Dufresne, Manuel Duval, Hendrick Cornelis Heus, and Lazzlo Kristof Takacs are also listed as inventors on the above-captioned application and they have all signed the Declaration for the above-captioned patent application.
5. All of the inventors, including Eric Glémet, have assigned their entire rights and interests in said application to Gene-IT. Such assignment was recorded on April 21, 2004 at Reel 014538 and Frame 0215.
6. Eric Glémet is no longer in the employment of Gene-IT.
7. On September 22, 2004, the undersigned sent, by Federal Express, a copy of the above captioned patent application and a copy of the Declaration for Patent Application

("Declaration") to Eric Glémet for signature. The letter requested that an executed copy of the Declaration be returned to undersigned by October 6, 2004. A copy of the undersigned's letter, the Federal Express Waybill, and a print out of the Federal Express Tracking website are attached hereto as Exhibit A. The letter was received and signed for by M. Glémet on September 24, 2004.

8. Eric Glémet has not responded to the letter sent by undersigned on September 22, 2004.
9. To date, the undersigned has not yet received the executed Declaration document from Eric Glémet.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 19, 2004

DATE


NAME: Jennifer K. Holmes, Ph.D.
Agent for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Codani, Jean-Jacques et al.) Attorney Docket No.: GIO-1.01
Serial No.: 10/723,522) Art Unit: Not yet assigned
Filing Date: November 26, 2003) Examiner: Not yet assigned
For: *Systems and Methods for Sequence Comparison*

STATEMENT OF FACTS SUBMITTED BY JEAN-JACQUES CODANI
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47

The undersigned submits the following statement of facts in support of the Petition under 37 C.F.R. §1.47:

1. I am an inventor of the above-captioned application along with Eric Glémet, Guillaume Dufresne, Manuel Duval, Hendrick Cornelis Heus, and Laszlo Kristof Takacs.
2. I reside at 10, rue du Fort, Rueil-Malmaison, France 92500.
3. I am currently employed by Gene-IT and work primarily at Gene-IT's French headquarters located at 147, Avenue Paul Doumer, Rueil Malmaison, France 92500.
4. I have assigned all of my rights and interests in the above-captioned application to Gene-IT. Such assignment was recorded on April 21, 2004 at Reel 014538 and Frame 0215. All of the other inventors, including Eric Glémet, have also assigned their rights and interests in this application to Gene-IT.
5. On September 17, 2004, I contacted Eric Glémet via telephone and requested that he sign the Declaration for the above-captioned patent application. Mr. Glémet said that he was unhappy with the circumstances surrounding his departure from Gene-IT and had no interest in signing the Declaration. Mr. Glémet indicated that he would consider signing the Declaration if he was provided with compensation from Gene-IT. I informed Mr. Glémet that payment of compensation would be against Gene-IT's company policy.
6. On September 27, 2004, I met with Mr. Glémet in person at Gene-IT's headquarters in Rueil Malmaison, France. Mr. Glémet requested an explanation about the letter he had

F11BOSTON/1119413.1

USSN: 10/723,522

received from Gene-IT's patent counsel, Foley Hoag, LLP, enclosing a copy of the above-captioned patent application and the Declaration and requesting that Mr. Glémet execute the Declaration. I explained to Mr. Glémet that execution of the Declaration by the inventors of the above-captioned application was an official procedure required by the United States Patent and Trademark Office to proceed with prosecution of the application. Mr. Glémet informed me that he had no interest in signing the Declaration.

7. On October 7, 2004, I again met with Mr. Glémet in person at Gene-IT's headquarters in Rueil Malmaison, France. Mr. Glémet confirmed that he would not be executing the Declaration for the above-captioned patent application.
8. To date, the undersigned has not yet received the executed Declaration document from Eric Glémet.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Oct, 18th, 04

DATE



NAME: Jean-Jacques Codani

FBI/BOSTON/1119413.1

- 2 -